

# NEW YORK STATE JOINT COMMISSION ON PUBLIC ETHICS

540 Broadway \* Albany, New York 12207  
(P) 518-408-3976 \* (F) 518- 474-6216



## Statements of Registrations/Amendments

### **\*\*COURTESY REMINDER\*\***

#### **2013-2014 Statements of Registration, and New Disclosure Requirements**

- **A new biennial reporting period (Calendar Years 2013-2014) began on January 1, 2013**
- **Every lobbyist who exceeds, or expects to exceed, the \$5,000 threshold in 2013-2014, must register with JCOPE for this new biennial period, regardless of whether the lobbyist registered with JCOPE in 2011-2012**
- **New disclosure requirements regarding Source of Funding and Reportable Business Relationships are now in effect.**
- **Registrations are due within 15 days from the agreement/authorization 'start date' contained in the lobbying agreement/authorization.**

### **Registration/Amendment Filing Requirements**

#### Registration Statements

The Lobbying Act requires every lobbyist that reasonably anticipates incurring, expending, or receiving **more than \$5,000** in combined reportable compensation and expenses for lobbying activity on a state and/or local level, in **any** year during the biennial period, file a biennial Statement of Registration **within fifteen (15) days of such date**, regardless of when the threshold is actually reached during the biennial period. *Registrations are due within 15 days from the agreement/authorization 'start date' contained in the lobbying agreement or authorization.*

If a lobbyist actually expends, incurs or receives **more than \$5,000** of combined reportable compensation and expenses, a Statement of Registration must be submitted **within ten (10) days of such date**.

If the lobbyist has been retained, employed, or designated to lobby **ON OR BEFORE December 15**, and the lobbyist reasonably anticipates combined reportable compensation and expenses in excess of \$5,000 for lobbying activities, the Statement of Registration must be filed **BY JANUARY 1** of the first year of the biennial period.

If the lobbyist has been retained, employed, or designated to lobby on a date **AFTER December 15**, the Statement of Registration must be filed **within 15 days of the 'start' date**.

Each Lobbyist Statement of Registration must be accompanied by a \$200, non-refundable, filing fee, and a copy of a signed written lobbying agreement or authorization to lobby from the client. Such agreement or authorization must specify the period of the year or biennial period covered (i.e., authorization is valid for 2013-2014 biennial registration period), and must disclose the terms and amount of compensation to be paid for lobbying services. If the lobbyist is retained by the organization, the actual compensation must be reported. If the retainer is based on a daily or hourly rate, the fee *per day* or *per hour* must be reported. If the lobbyist is a salaried employee of the organization, the lobbyist's prorated salary for lobbying activity must be reported.

The agreement or authorization start date is the first date the agreement or authorization is in effect. The end date is the last date the agreement or authorization is in effect. These dates do not have to coincide with the beginning or end of a calendar year, or a biennial registration period. For open-ended agreements, you must show the beginning and end of the biennial period for which you are registering.

Any filing fees paid by check must be paid separately from other filings; *i.e.*, one check *per* filing, made payable to the New York State Joint Commission on Public Ethics. Any check that includes filing fees for more than one report will be returned to you by the Commission. To facilitate processing and approval time, the registration confirmation number must be written on the check. Filing fees may be paid online with Visa, MasterCard or American Express, provided you file electronically.

#### Amendments to Registration

If the written lobbying agreement/authorization expires at any time before December 31, 2014, and it is anticipated that the agreement/authorization will be extended, a Statement of Registration Amendment must be filed with an agreement/authorization extension within ten (10) days of such amendment. If such agreement/authorization is oral, a statement of the substance must be submitted (Lobbying Act 1-e(c)(3)).

Pursuant to Lobbying Act 1-e(d), **if any of the information filed by the lobbyist in the original statement of registration changes during the biennial registration period, including the written agreement or written authorization from the client (and any terms therein), an amended Statement of Registration form must be completed and filed within 10 days of the change.** This amendment must include the name of the lobbyist and client, and the new or changed information. *Registration Amendments are due within 10 days of the date that an event occurs which necessitates a change in any of the required information set forth in Lobbying Act 1-e(c).* In general, **no** fee is required for an Amended Lobbyist Statement of Registration, provided an original is on file for that year. However, if subsequent to the filing of a 2013-2014 Lobbyist Statement of Registration for which no fee was submitted, the lobbyist later exceeds the \$5,000 threshold, an amended biennial registration must be filed within 10 days accompanied by a \$200 registration fee (or a \$100 fee in the case where a prorated fee is applicable). **Please note:** This proration does not apply to biennial Lobbyist Registrations that are filed late and cover the entire biennial period or a portion of both years within the biennial period. In this case, a \$200 fee is due at the time of submission.

#### Registration Termination

In the alternative, if the agreement/authorization expires and/or is terminated **at any time before December 31, 2014, and it is not anticipated the lobbying agreement/authorization will be extended**, a termination must be filed. A Statement of Registration does not automatically terminate at the end of the agreement. Section 1-g of the Lobbying Act requires written notification of the terms of the termination from both the lobbyist and the client within thirty (30) days after the lobbyist ceases lobbying activity. In addition, both parties must still file all required reports by their statutory due dates, reporting all lobbying activity up to the effective date of termination. If the termination of retainer, employment, or designation takes effect at the end of the biennial registration cycle, written notification of termination is not required.

A written or emailed request may be submitted to the Commission to request withdrawal of an approved termination. Such request must be signed/submitted by the responsible person, designated person, or registered lobbyist. Once the

termination is 'withdrawn' (rejected), a Statement of Registration Amendment form must be completed and filed **within 10 days** of the change, in addition to the 'new' written agreement or written authorization.

### Notes

Lobbyists filing electronically are encouraged to upload a scanned copy of the signed agreement or authorization and attach it to their filing. Please see Instructions for Lobbyists Filing Online.

If you are unable to upload a copy of your agreement, you have the option of emailing a copy to [program@jcope.ny.gov](mailto:program@jcope.ny.gov), mailing a copy of the signed agreement or authorization, or faxing a copy to 518-474-6216. Emailed agreements or authorizations must reference the confirmation number, lobbyist name, and client name in the 'Subject Line.' Faxed or mailed-in agreements or authorizations **must have the registration confirmation number** written on the first page.

### **Bi-monthly Filing Requirements**

Lobbyist and Public Corporation Bi-monthly Reports are required to be filed by the 15<sup>th</sup> day of the month following the end of the reporting period in which the lobbyist was first required to file a Statement of Registration during the biennial period. **Please note:** There is NO minimum threshold requirement for filing any bi-monthly report. Consequently, **all** bi-monthly reports are required to be filed for a registration period, unless the registration has been terminated. If, in fact, the agreement or authorization has terminated, you are required to comply with the bi-monthly reporting requirements up to the date of termination.

### **Lobbyist Disbursement of Public Monies Reports**

Any lobbyist required to file a Statement of Registration with the Commission who in any lobbying year reasonably anticipates that during the year they will expend, incur or receive combined reportable compensation and expenses in an amount in excess of \$5,000 in connection with any attempts to influence a determination by a public official, or by a person or entity working in cooperation with a public official, with respect to the solicitation, award or administration of a grant, loan, or agreement involving the disbursement of public monies in excess of \$15,000 other than a governmental procurement as defined in Section 1-c, will be required to file a NYS Lobbyist Disbursement of Public Monies Report. (Lobbying Act Section 1-l)

The reports are to be filed only by registered lobbyists, including public corporations. The threshold relates only to compensation and expenses attributable to the activities described above, and is in addition to and separate from the similar threshold for lobbyist registration.

These separate reports are required to be filed in accordance with the same schedule applicable to the filing of bi-monthly reports. Unlike Lobbyist and Public Corporation Bi-monthly Reports required by Sections 1-h and 1-i, the NYS Lobbyist Disbursement of Public Monies Reports are required to be filed only for bi-monthly reporting periods during which the lobbyist has made any attempts to influence a public official with respect to disbursement of public monies, or receives compensation or reimbursement of expenses for such activities.

### **New Disclosure Requirements for Source of Funding and Reportable Business Relationship**

Under section 1-j(c)(4) and 1-j(b)(6) of the Lobbying Act, certain lobbyists and clients are now required to disclose "Source of Funding" for their lobbying activity and any "Reportable Business Relationship" with elected officials and state employees. The Commission adopted new Source of Funding disclosure [regulations](#) on an emergency basis, which are currently in effect. These regulations should guide applicable filers for the upcoming filing deadlines. The Commission also adopted [guidelines](#) for the Reportable Business Relationships.

## Source of Funding

All lobbyists who lobby on their own behalf – and client filers – are required to disclose Source of Funding information. Pursuant to Commission Regulations, such information must be disclosed on the revised [PDF Client Semi-Annual Report form](#), which is available on the Commission's website, and contains a section for disclosing "Source of Funding" information. All Source of Funding disclosures are to be made on Commission forms and are not as of yet available for electronic filing. Clients may still file their Client Semi-Annual Reports utilizing the Commission's online filing system. However, if "Source of Funding" information must be disclosed, a PDF Client Semi-Annual Report must be filed; completing Sections I (amendment circle filled-in), II, V, and XI. For those clients who do **not** file online, the PDF Client Semi-Annual Report form is required to be completed in its entirety.

## Reportable Business Relationship

A separate [PDF lobbyist form](#) is available on the Commission's website for disclosing "Reportable Business Relationship" ("RBR") information. All RBR disclosures are to be made on Commission forms and are not as of yet available for electronic filing. Again, if you utilize the Commission's online filing system, but are required to disclose RBR information, a [PDF Lobbyist Statement of Registration](#) must be submitted. The following sections of the PDF Statement of Registration must be completed: Sections I (amendment circle filled-in), II, and XIII, and the completed separate RBR form must be attached to the Statement of Registration. For those lobbyists who do **not** file online, the PDF Statement of Registration form is required to be completed in its entirety, with a completed RBR form attached (if applicable).

## Notes

If you already file online, you should review your Profile carefully to ensure all information is accurate prior to submitting 2013-2014 filings. There is no need to request a new User ID and password, unless the responsible person has changed. In that case, we urge you to submit your Profile Update immediately to avoid delaying your electronic filings.

If you have not utilized the Commission's online filing system, we urge you to [request a User ID](#) and password immediately to avoid delaying your electronic filings.

**IMPORTANT: The Lobbying Act provides that the chief administrative officer of any organization required to file a statement or report is the person responsible for making and filing such statement or report, even if some other person has been designated by the organization to make and file such statement or report.**

- **JCOPE has interpreted the term "Chief Administrative Officer" to mean the executive officer of the entity with the ultimate fiduciary responsibility for the organization's compliance with New York lobbying statutes and regulations.**
- **While the ministerial or administrative aspect of the filing and reporting process can be completed by a designated agent (such a designation must be filed with JCOPE), the liability remains with the individual with the fiduciary duty to the organization to ensure compliance with the lobbying law.**

Please be advised, the Commission sends informational bulletins from the following e-mail addresses: [jcope@jcope.ny.gov](mailto:jcope@jcope.ny.gov), [helpdesk@jcope.ny.gov](mailto:helpdesk@jcope.ny.gov) and [education@jcope.ny.gov](mailto:education@jcope.ny.gov). Please check all spam controls, firewall settings, and blocked sender lists/white lists to ensure they accept delivery from the Commission's e-mail addresses.

All Commission reporting forms and instructions are available on the Commission's website. Always check our website for the most up-to-date information and latest forms at [www.jcope.ny.gov](http://www.jcope.ny.gov).

If you have any questions regarding reporting requirements, or the online filing system, please contact Commission staff at (518) 408-3976 or email them directly at [program@jcope.ny.gov](mailto:program@jcope.ny.gov). The Commission's Education Resource

Group is also available to assist you with a variety of class schedules, as well as provide any assistance you may require regarding the use of the online filing system.